

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

**TOMMY E. HARRIS,**  
**Plaintiff**

**v.**

**COMMISSIONER OF THE SOCIAL  
SECURITY ADMINISTRATION,**  
**Defendant**

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**No. 9:17-CV-00141**

**ORDER OVERRULING OBJECTIONS AND ADOPTING  
REPORT AND RECOMMENDATION**

The Plaintiff requests judicial review of a final decision of the Commissioner of Social Security Administration with respect to his application for disability-based benefits. This matter has been referred to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge submitted a report recommending that the decision of the Commissioner be affirmed. The court has considered the report and recommendation filed on September 11, 2018 (Doc. No. 18) and the Plaintiff's objections. (Doc. No. 20.) The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* Fed. R. Civ. P. 72(b). After careful consideration, the court concludes that the Plaintiff's objections are without merit.<sup>1</sup> The court concludes that the magistrate judge correctly identified and discussed the points of error argued by plaintiff and analyzed those points correctly. The magistrate judge properly examined the entire

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1. The Plaintiff's objections to the Report and Recommendation are liberally construed to assert that substantial evidence does not support the ALJ's decision. Plaintiff attaches additional new medical records to support his position that he is disabled. The ALJ and Magistrate Judge applied the correct standard in assessing Harris' impairments and ability to perform work related activities. The ALJ sets out the proper legal standard of disability under the Act in his decision and the agency's five step sequential evaluation process for evaluating disability under the Act. Substantial evidence supports the ALJ's decision and the additional evidence is cumulative, not likely to change the outcome of the case, and Plaintiff failed to show good cause for not presenting the medical evidence earlier. The new evidence does not warrant a remand.

record to determine that substantial evidence supports the administrative law judge's determination decision and the Commissioner's denial of benefits.

Accordingly, all of the Plaintiffs objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

So **ORDERED** and **SIGNED January 31, 2019**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

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Ron Clark, Senior District Judge